IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

MISC.CIVIL APPLICATION No 1764 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

NUSRAT JAHAN MAJID SUMAR

Versus

A MAJID SUMAR DHADA

Appearance:

1. Misc.Civil Application No. 1764 of 2001

MR ANSHIN H DESAI for Petitioner No. 1

MR SHAKEEL A QURESHI for Respondent No. 1

CORAM : MR.JUSTICE P.B.MAJMUDAR

Date of decision: 26/12/2002

ORAL JUDGEMENT

#. The petitioner is the original defendant of Regular Civil Suit No.273 of 2001, which is filed by the present respondent herein. The said suit is pending in the court of the Civil Judge (Junior Division), Kalavad. The said

suit is filed for getting decree for restitution of conjugal right.

#. By this application, the original defendant - wife has prayed that the suit be transferred from Kalavad Court to Junagadh Court where she is residing or at any other nearer place to Junagadh, so that, she may not have to travel for a long distance.

#. At the time of hearing of this application, there is consensus between the parties and both the parties have suggested that the suit be transferred to the Court at Dhoraji, so that, inconvenience of both the sides can be mitigated to some extent. Since both the sides are agreeable for transferring the said suit at Dhoraji Court, the following order is passed.:

"Regular Civil Suit No.273 of 2001 is ordered to be transferred to the court of the Civil Judge (Junior Division), Dhoraji. After such transfer, the Civil Court at Dhoraji will proceed with the said suit in accordance with law. Mr.Qureshi has also agreed that, for travelling from Junagadh to Dhoraji, his client will pay Rs.50/- (Rupees fifty only) towards transportation charges for each date to the petitioner herein. The said consensus is also recorded in the order."

#. This MCA is accordingly allowed. Rule is made absolute to the aforesaid extent with no order as to costs.

(P.B.Majmudar,J)
(pathan)